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DATE FILED: 5 -10-13

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ERNESTO HERNANDEZ,

PLAINTIFF.

- against -

KALMAN TABAK, ABRAHAM FINKELSTEIN,: Individually, NEW HOPE FUND LLC, 1195 : SHERMAN AVE. LLC, 1056 BOYNTON AVE. LLC, 437 MORRIS PARK LLC, and AGUILA, INC. :

DEFENDANTS.

Case No. 12-CV-1402 (PKC)

STIPULATION TO VACATE JUDGMENT AND ORDER TO VACATE JUDGMENT

IT IS HEREBY STIPULATED and agreed, by and between plaintiff Emesto Hernandez and defendants Kalman Tabak. Abraham Finkelstein, New Hope Fund LLC, 1185 Sherman Ave. LLC, 1056 Boynton Ave. LLC, 437 Morris Park LLC and Aguila, Inc. that the Clerk's Judgment entered on April 10, 2013 be vacated. The case Newword closed,

Date: New York, New York
May 5, 2013

Delmas A. Costin, Jr

LAW OFFICE OF DELMAS A. COSTIN, JR.

177 East 161st Street Bronx, NY 10451 Tel.: 718-618-0589 Attorneys for Plaintiff Stuart Weinberger, Esq. (SW7899) GOLDBERG and WEINBERGER LLP 630 Third Avenue, 18th Floor

New York, NY 10017

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Attorneys for Defendants

Kalman Tabak, Abraham Finkelstein, New Hope Fund LLC, 1195 Sherman Ave. LLC, 1056 Boynton Ave. LLC, and 437 Morris

Park LLC

Barry Lemendelson, Of Counsel

UNDERWEISER & UNDERWEISER LLP

Attorneys for Defendant, Aguila, Inc.

One Water Street, Third Floor White Plains, New York 10601

(914) 761-5628

IT IS HEREBY ORDERED THAT the Judgment entered against the above named

Defendants in this case is hereby VACATED and that the Clerk is directed to VACATE the

Judgment entered against the Defendants.

SO ORDERED

Dated

5-10-13

U.S.D.J.